



City of Helotes  
Development Services  
Department  
P.O. Box 507  
12951 Bandera Road  
Helotes, TX 78023  
Phone (210) 695.8877  
Fax (210) 695.2123

Application Date: \_\_\_\_\_

## ZONING AMENDMENT APPLICATION

CHAPTER 98,  
*Amendments, Rezoning, and Variances*

NAME OF APPLICANT: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

PHONE #: \_\_\_\_\_

STATUS OF APPLICANT:

OWNER: \_\_\_\_\_

AGENT: \_\_\_\_\_ (IF AGENT, ATTACH LETTER OF AUTHORIZATION.)

### PROPERTY DESCRIPTION

PHYSICAL ADDRESS: \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_

CURRENT ZONING: \_\_\_\_\_ PROPOSED ZONING: \_\_\_\_\_

DEED RESTRICTIONS PROHIBITING PROPOSED ZONING: \_\_\_\_\_

EXISTING USE: \_\_\_\_\_ PROPOSED USE: \_\_\_\_\_

LAND AREA: \_\_\_\_\_ DOES OWNER OWN ADJACENT PROPERTIES? YES \_\_\_\_\_ NO \_\_\_\_\_

PURPOSE OF REQUEST: \_\_\_\_\_

I hereby certify that I have read and examined this application and know the information I have provided to be true and correct. All provision of laws and ordinances governing this application will be complied with, whether specified herein or not. The granting of this zoning amendment or change does not presume to give authority to violate or cancel the provisions of any other local law regulating the use of the property.

Applicant's Signature \_\_\_\_\_

Date \_\_\_\_\_

Office Use Only:



Updated: 10/17/12

## APPLICATION FOR ZONING AMENDMENT OR CHANGES

### INSTRUCTION SHEET

1. Complete the application form.
2. **Include the nature and effect of the proposed amendment on the application form or an attachment.**
3. Include a map or plat showing the present zoning classification of both the property for which the change is requested as well as that of all abutting land. All public and private rights-of-way and easements bounding and intersecting the property under consideration should also be included on the map or plat.
5. Payment of Three Hundred Fifty Dollars (\$350.00) must be deposited with the City at the time the application is filed. Payment must be in the form of certified or cashier's check payable to the City of Helotes.
7. In the event that the Planning & Zoning Commission recommends **approval**, then the City Council shall, at its next regular meeting, set a date for a public hearing on the proposed change. Notice of such public hearing must be published a minimum of fifteen (15) calendar days before the date of the hearing.
8. In the event the petition (application for change) is **denied** by the City Council, another petition shall not be filed within a period of one (1) year, 365 calendar days, from the date of the denial.
9. The Planning & Zoning Commission meets on the first Tuesday of the month. In order to have your application considered, it must be submitted no later than the first working day of the month to allow time for publication of required notices. Applications not received by this deadline will be considered the following month.

**BOARD / COMMITTEE  
MEETING TIME AND DAY**

|  |           |  |
|--|-----------|--|
| Board Of Adjustment.....               | 7:00 p.m. | 2 <sup>nd</sup> Monday                       |
| City Council.....                      | 7:00 p.m. | 2 <sup>nd</sup> and 4 <sup>th</sup> Thursday |
| Economic Development Corporation ..... | 7:00 p.m. | 3 <sup>rd</sup> Wednesday                    |
| Planning & Zoning Commission .....     | 7:00 p.m. | 1 <sup>st</sup> Tuesday                      |

Please submit application one week prior to meeting date. Please note that a publication requirement may impact submittal deadline.

## **ARTICLE XII. AMENDMENTS, REZONING, AND VARIANCES**

### **Sec. 98-401. Limitation on amendments; initiation of amendments.**

- (a) For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the City, this Chapter shall not be amended except to correct an error in the Chapter, or because of changed or changing conditions in particular areas or in the City generally, or to rezone an area, extend the boundary of an existing zoning district, or change the regulations and restrictions thereof, all in accordance with the Comprehensive Plan.
- (b) Subject to the limitations of Subsection (a), an amendment to this Chapter may be initiated by:
  - (1) The City Council on its own motion;
  - (2) The Planning and Zoning Commission;
  - (3) A petition, as hereafter provided.

(Ord. No. 253, §1 (art. XII, §1), 4-8-2004; Ord. No. 387, §1, 12-8-2008; Ord. No. 491, §1, 01-24-2013)

### **Sec. 98-402. Authority for changes and amendments.**

The City Council, in accordance with applicable State Law, may from time to time amend, supplement, change, modify, or repeal the regulations, standards, and boundaries herein established. In addition, a comprehensive review of the Zoning Code text and map shall be made by the Planning and Zoning Commission for the purpose of keeping the City current with development patterns; innovative methods in zoning; and examining existing land uses and changes in land uses made by developers and builders within the City in order to ascertain where the patterns of development are changing. The Planning and Zoning Commission, at least every three years, shall file a report and recommendation thereon with the Mayor and City Council. The three-year time period shall commence upon the date of the adoption of this Chapter.

(Ord. No. 253, §1 (art. XII, §2), 4-8-2004; Ord. No. 387, §1, 12-8-2008; Ord. No. 491, §1, 01-24-2013)

### **Sec. 98-403. Application procedure.**

For changes to the regulations and/or district map, the procedure shall be as follows:

- (1) *Application form; filing.* Any person, firm, or corporation petitioning for a change in zoning shall do so upon a form titled "Application for Zoning Amendment or Change," provided for such purpose by the Development Services Department and all petitions for changes shall be filed with the Development Services Department, with a copy to the City Secretary. Notice shall also be given to the Development Services Department and the City Secretary if the application for change originates with any member of the City Council or Planning and Zoning Commission.
- (2) *Contents of petition.* All petitions for amendments to this Chapter shall contain at least the following:
  - a. The petitioner's name, address, and interest in the petition, as well as the name, address, and interest of every person having a legal or an equitable interest in the land covered by the petition.

- b. The nature and effect of the proposed amendment.
- c. A fully-dimensioned map showing the following:
  - 1. The land which would be affected by the proposed amendment.
  - 2. A legal description of such land.
  - 3. The present zoning classification of the land.
  - 4. The zoning classification of all abutting zoning districts.
  - 5. All public and private rights-of-way and easements bounding and intersecting the land under consideration.
- d. If the proposed amendment would require a change in the zoning map, the owners of all land within the area to be changed and within 200 feet shall be identified by name and current mailing address.
- e. The alleged error in this Chapter which would be corrected by the proposed amendment, together with a detailed explanation of such error in the Chapter which is alleged, and detailed reasons as to how the proposed amendment will correct the same.
- f. The changed or changing condition(s), if any, in the area or in the municipality generally, that makes the proposed amendment reasonably necessary.
- g. Evidence that the petition is in accordance with the Comprehensive Plan.
- h. All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.

(Ord. No. 253, §1 (art. XII, §3), 4-8-2004; Ord. No. 387, §1, 12-8-2008; Ord. No. 491, §1, 01-24-2013)

**Sec. 98-404. Application fees.**

- (a) When an application is filed for change of zoning district boundaries or for any change of the Zoning Code or classifications, such application shall be accompanied by the fees in conformance with the City's fee schedule. The fees must be paid by certified or cashier's check, money order, or credit card payment made payable to the City, and be deposited with the Development Services Department at the time the application is filed. In the event such application is disapproved by the Planning and Zoning Commission, the applicant has a right to make a written request for a hearing before the City Council within a 60 calendar-day period immediately following the hearing before the Planning and Zoning Commission.
- (b) No notice of any such application shall be issued and no hearing shall be had before the Planning and Zoning Commission or the City Council until the prescribed fees are paid. The Development Services Department shall keep and preserve an itemized record of all fees received and the disposition thereof.

(Ord. No. 253, §1 (art. XII, §4), 4-8-2004; Ord. No. 387, §1, 12-8-2008; Ord. No. 491, §1, 01-24-2013)

**Sec. 98-405. Action by Planning and Zoning Commission.**

- (a) Petitions shall be reviewed by the Planning and Zoning Commission at its regularly-scheduled meeting or special meeting, as called by the City Administrator or Chairman of the Planning and

Zoning Commission. The Planning and Zoning Commission shall schedule a public hearing providing written notice of proposed change in classification to all owners of real property lying within 200 feet of the property on which the change in classification is proposed. Such notice shall be given not less than ten (10) calendar days before the date for the hearing. Notice may be served by depositing the notice, properly addressed and postage paid, in the City post office. Owners shall be those of record on the last City tax roll.

- (b) If, after review of the application or petition, the majority of the Planning and Zoning Commission agree by roll call vote that:
- (1) Such requested change is not in keeping with the Comprehensive Plan of the City;
  - (2) There is no error in the original zoning of the property for which a change is requested;
  - (3) There has been no substantial change in the environment of the property for which a change is requested that could warrant a change since its original classification; and/or
  - (4) Granting of the request would create a spot zone where by the property would enjoy a special monopolistic privilege not enjoyed by nearby properties of equal or similar location factors;

the applicant shall be advised in writing by the City Administrator or his/her designee that it is the opinion of the Commission that granting the requested change would not be in keeping with the objectives and proposes of the Comprehensive Plan, the Zoning Code, and/or the district map, and the particular request will not be recommended for amendment or change. The Planning and Zoning Commission will then transmit its recommendations to the City Council for final approval/disapproval.

(Ord. No. 253, §1 (art. XII, §1), 4-8-2004; Ord. No. 387, §1, 12-8-2008; Ord. No. 491, §1, 01-24-2013)

**Sec. 98-406. Request for consideration by City Council; action by City Council.**

The City Council shall not hold any public hearing or take action on any zoning matter until it has received the final report from the Planning and Zoning Commission.

- (1) If the Planning and Zoning Commission recommendation is for "disapproval" of the proposed change, the applicant has the right to make a written request for City Council consideration of the zoning matter; if, however, the applicant fails to make written request to the City Council within 60 calendar days after the Planning and Zoning Commission hearing the matter shall be terminated.
- (2) If the Planning and Zoning Commission recommends "approval" or the applicant requests City Council consideration, as required above, the City Council shall, at the next regular or special session, as called by the Mayor:
  - a. Set a date for a public hearing before the City Council.
  - b. Cause to be published a notice giving notice to time, date, and place for such hearing in an official newspaper, or a newspaper of general circulation in the City. Notice must be published a minimum of 16 calendar days before date of hearing.
  - c. Hold a public hearing and vote on the matter with a roll call vote.
- (3) If the Planning and Zoning Commission has recommended disapproval of a change of zoning, such amendment shall not become effective except by the affirmative vote of a simple majority of all members of the City Council. If there is a protest against any such change in classification of the zoning district of any property, and such protest is signed

by the owner(s) of 20 percent or more either of the area of the lots included in such proposed change or of those within 200 feet, such amendment shall not become effective except by the affirmative vote of three-fourths (3/4 or 4 out of 5 members) of all members of the City Council.

(Ord. No. 253, §1 (art. XII, §6), 4-8-2004; Ord. No. 387, §1, 12-8-2008; Ord. No. 491, §1, 01-24-2013)

**Sec. 98-407. Resubmission of petition upon denial.**

If a petition for zoning is recommended for "disapproval" by the Planning and Zoning Commission or is "denied" by the City Council, another petition for classification shall not be filed within a period of one year (365 calendar days) from the date of "denial," unless:

- (1) A substantial change in conditions has taken place in the vicinity of the property sought to be rezoned or for which a specific use permit was requested;
- (2) The applicant applying for rezoning seeks different relief; or
- (3) The last final decision denying rezoning was predicated upon fraud, accident, or mistake.

(Ord. No. 253, §1 (art. XII, §7), 4-8-2004; Ord. No. 387, §1, 12-8-2008; Ord. No. 491, §1, 01-24-2013)

Secs. 98-408 - 98-430. Reserved.